



W.P.(MD) No.30975 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.30975 of 2024

K.Raja

... Petitioner

-VS-

The Management of
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
rep.by its Managing Director
Kumbakonam

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records from the Labour Court, Kumbakonam, relating to the impugned award dated 23.08.2024 in I.D.No.8 of 2022, quash the same and consequently to direct the respondent to reinstate the petitioner in service with continuity of service, backwages and all other attendant benefits, award cost.



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For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Ramiah

ORDER

Heard Mr.S.Arunachalam, learned counsel for the petitioner and Mr.K.Ramiah, learned counsel appearing for the respondent – Transport Corporation.

2. This writ petition has been filed by the petitioner – workman aggrieved by an award dated 23.08.2024, passed in I.D.No.8 of 2022, by the learned Labour Court, Kumbakonam, rejecting the claim made by him on the ground of limitation as well as by concluding that the petitioner – workman was afforded sufficient opportunity by the respondent – Transport Corporation and the procedural aspects have been followed by the respondent – Transport Corporation.

3. Insofar as the issue of limitation is concerned, as seen from the materials available on record, the same was cropped up when the petitioner herein filed an industrial dispute and the same was refused to be numbered



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by the learned Labour Court by passing an order dated 10.07.2019. It is aggrieved by the said order, the petitioner approached this Court by filing a writ petition in W.P.(MD) No.20631 of 2021 and this Court, after having examined the matter in detail, passed an order dated 18.11.2021 allowing the said writ petition and directing the learned Labour Court to take on record the claim made by the petitioner and adjudicate the same on merits. The said order dated 18.11.2021 has become final and it is pursuant to the said order, the present industrial dispute has been taken on file by the learned Labour Court.

4. Once the issue of limitation has already been considered by this Court and an order was passed on 18.11.2021, it is not open for the learned Labour Court to once again go into the said aspect and conclude the same otherwise. As the learned Labour Court failed to take into consideration the order dated 18.11.2021, passed by this Court and unnecessarily gone into the aspect of limitation, this Court is of the considered view that the impugned order is a sheer outcome of total non-application of mind by the learned Labour Court.



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5. In addition to that, the learned Labour Court, having found that the procedure that was followed by the respondent – Transport Corporation is correct and sufficient opportunity was afforded to the petitioner herein, failed to examine as to the proportionality of the punishment that was imposed on him and also the necessity of exercising the power under Section 11A of the Industrial Disputes Act, 1947.

6. For all these reasons, this Court is of the considered view that this is a fit case, where the matter should be remanded back to the learned Labour Court for considering the matter afresh, without going into the aspect of limitation and also to examine whether the facts of the case warrant invocation of its power under Section 11A of the Industrial Disputes Act, 1947 or not.

7. In the light of the above, the impugned order, dated 23.08.2024, passed in I.D.No.8 of 2022, by the learned Labour Court, Kumbakonam, is quashed and the matter is remanded back to the learned Labour Court, Kumbakonam, for considering the matter afresh in the light of the observations made herein above. The learned Labour Court, Kumbakonam, is directed to dispose of the matter as expeditiously as



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possible, at any rate, within a period of three months from the date of receipt of a copy of this order, as the pleadings and evidence are already concluded.

8. Accordingly, this writ petition is allowed. No costs.

15.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:
The Presiding Officer,
Labour Court,
Madurai.



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MUMMINENI SUDHEER KUMAR, J.

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